

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

J. CHRISTOPHER THOMAS,  
Individually and as Trustee of U/A/W J.  
Christopher, Settlor,

Plaintiff,

v.

VISTA A&S 2006-1 LLC, a Nebraska  
limited liability company, et. al.,

Defendants.

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L. RICHARD PLUNKETT, et. al.,

Plaintiffs,

v.

VISTA RESOURCES, INC., VISTA  
A&S 2006-1 LLC, VISTA OIL & GAS,  
INC., DAVID M. NICKLAS, and  
CLARK R. NICKLAS,

Defendants.

4:09CV3143

MEMORANDUM AND ORDER

4:10CV3184

The parties have jointly moved to consolidate the above-captioned cases. The cases involve common questions of law and fact, and the defendants are represented by the same plaintiffs' counsel. Consolidating the cases will serve the interests of justice and judicial economy. Accordingly,

IT IS ORDERED that case number 4:09CV3143, filing no. 98; and case number 4:10CV3184, filing no. 43, are granted, and

- 1) The following cases are consolidated for discovery and pretrial purposes:  

4:09CV03143, Thomas v. Vista A&S 2006-1 LLC et al  
4:10CV03184, Plunkett et al v. Vista Resources, Inc. et al
- 2) 4:09CV03143, Thomas v. Vista A&S 2006-1 LLC et al is hereby designated as the “Lead Case,” and 4:10CV03184, Plunkett et al v. Vista Resources, Inc. et al is designated as a “Member Case.”
- 3) The court's CM/ECF System has the capacity for “spreading” text among consolidated cases. If properly docketed, the documents filed in the Lead Case will automatically be filed in the Member Case. To this end, the parties are instructed to file in the Lead Case, 4:09CV3143, all further documents except those described in paragraph 4 and to select the option “yes” in response to the System’s question of whether to spread the text.
- 4) The parties may not use the spread text feature to file complaints, amended complaints, and answers; to pay filing fees electronically using pay.gov; to file items related to service of process; or to file notices of appeal.
- 5) If a party believes that an item in addition to those described in paragraph 4 should not be filed in both of these consolidated cases, the party must move for permission to file the item in only one of the cases. The motion must be filed in both of the consolidated cases using the spread text feature.

DATED this 22nd day of October, 2010.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge